



## *Opening Statement*

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### **Statement of Chairman Michael McCaul (R-Texas) Committee on Homeland Security**

#### **“Allegations of Special Access and Political Influence at the Department of Homeland Security”**

##### **Remarks as Delivered**

On March 24, the Department of Homeland Security Inspector General released a report detailing allegations against Deputy Secretary Mayorkas that related to his time as Director of USCIS and his oversight of the EB-5 program.

The IG’s office conducted more than 50 interviews, reviewed more than 40,000 phone records, and obtained more than one million documents and emails. This investigation was unprecedented in that there were more than a dozen whistleblowers that came forward to the Inspector General’s office. The findings are troubling as the IG made some very serious charges against Mr. Mayorkas.

Chief among them was he used his position to influence outcomes in select cases for the benefit of politically-connected and powerful individuals.

In general, these allegations fall into four categories:

**Special Access:** “Their allegations were unequivocal: Mr. Mayorkas gave special access and treatment to certain individuals and parties.”

**Political Favoritism:** “We received complaints from USCIS employees that the application for a politically connected regional center, Gulf Coast Funds Management, received extraordinary treatment as a result of Mr. Mayorkas’s intervention.” Additionally, “USCIS staff...understood that these applicants were prominent or politically connected.”

**Created or went around the established process and career staff decisions:** “Mr. Mayorkas was in contact, outside of the normal adjudication process, either directly or through senior DHS leadership, with a number of stakeholders having business before USCIS.....According to the employees, but for Mayorkas’s actions, the staff would have decided these matters differently.”

Misplaced Priorities: “Mr. Mayorkas’s focus on a few applicants and stakeholders was particularly troubling to employees given the massive scope of his responsibilities as Director of USCIS.”

Two days after the release of the report, this Committee held a hearing and heard testimony directly from DHS IG John Roth.

From the report and again in his testimony before us, the IG found, Mr. Mayorkas appeared to play favorites with Democratic political operatives and inserted himself improperly in ways that influenced the outcome of cases.

These are very serious allegations and ones that, if true, should not be ignored. Although the IG did not allege that these acts were criminal in nature, they without a doubt raise questions about the Deputy Secretary’s judgement.

This was not the first time that the Inspector General’s office reviewed allegations of impropriety at USCIS. In a separate report, the IG found that in late 2009 the former USCIS Chief Counsel also placed pressure on career staff to reverse the outcome for a petition filed by a university that the Chief Counsel was connected to. In April of 2010, Mr. Mayorkas himself put out a policy memo to USCIS employees that stated:

“Each USCIS employee has the duty to act impartially in the performance of his or her official duties. Any occurrence of actual or perceived preferential treatment, treating similarly situated applicants differently, can call into question our ability to implement our nation’s immigration laws fairly, honestly, and properly.”

In examining the IG’s findings, it seems that Mr. Mayorkas repeatedly violated his own policy through his actions regarding certain EB-5 cases as USCIS Director.

As Chairman of the Committee and a former federal prosecutor in the Public Integrity Section of the Department of Justice, I take the oversight responsibilities of this Committee very seriously.

After looking at the IG’s report and hearing the IG’s testimony last month, I felt obligated to examine the accusations made in the report in greater detail. Committee staff has analyzed over 500 pages of documents from the IG and DHS. The Committee expects to receive additional documentation from the department in the coming days.

Since our first hearing, and after reviewing the report and associated documents, I have more questions:

- 1) Did Mr. Mayorkas knowingly or unknowingly violate USCIS policy to grant special access and treatment to applicants who were prominent and politically connected and overrule USCIS career staff decisions in these cases?
- 2) Does the lack of judgement shown by Mr. Mayorkas in the IG report raise doubts about his ability to fulfill the responsibilities of Deputy Secretary? Specifically, DHS’s morale is ranked the lowest of any large federal agency. Mr. Mayorkas is charged with fixing this morale problem yet the morale of certain USCIS staff deteriorated under his watch.

- 3) Why has Mr. Mayorkas not been held accountable for his actions? According to the 2010 policy that Mr. Mayorkas signed, “failure to adhere to the standards or the guidance set forth in this memorandum may subject the employee to disciplinary penalties up to and including removal from employment.” Political appointees at DHS should not be immune from accountability when warranted.

We, as the people’s representatives, deserve to hear the truth in these cases. However, there is no place for presumed guilt before innocence. Mr. Mayorkas is allowed the opportunity to explain and defend his actions as alleged in the IG Report. At the conclusion of our hearing on March 26, I stated that I looked forward to giving Mr. Mayorkas the opportunity to respond - today is that opportunity.

At the heart of this case is the issue of trust and credibility. In order for government to function our leaders must have the trust of the American people and those who work for them.

We can never forget that public office is a public trust. With that, I look forward to hearing from Mr. Mayorkas.

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